

2621

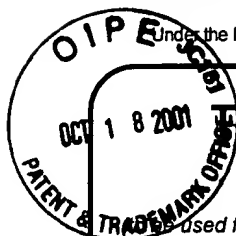
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Application Number	09/377,383
Filing Date	August 19, 1999
First Named Inventor	CHAI
Group Art Unit	2621
Examiner Name	D. M. DANG
Attorney Docket Number	SAR 13151

ENCLOSURES (check all that apply)

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

In re Application of: Bing-Bing Chai	:	Docket #: SAR 13151
Serial No.: 09/377,383	:	Filed: August 19, 1999
Group Art Unit: 2621	:	Examiner: Duy M Dang

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Title: **APPARATUS AND METHOD FOR FORMING A CODING UNIT**

REPLY BRIEF

Noted.
DMD
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Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

This Reply Brief is filed under the provisions of 37 CFR 1.193(b) in response to the Examiner's Answer dated August 14, 2001.

IDENTIFICATION OF, AND REPLY TO, NEW POINTS OF ARGUMENT

The following points of argument have been either newly presented in the Examiner's Answer or presented in a different light by the Examiner than earlier in the record.

(1) On page 2 of the Examiner's Answer, the Examiner stated that "the rejection of claims 1-13 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof." The Examiner is incorrect.

Specifically, Appellant recited such a statement on page 6 of the Appeal Brief under the heading "Grouping of Claims". Additionally, Appellant provided various arguments in support of allowance for all the claims that are currently pending. Thus, Appellant again urges that each of the rejected claims stands

on its own recitation, with the claims being considered to be separately patentable for reasons set forth in the Appeal Brief and in this present Reply Brief.

(2) On page 6 of the Examiner's Answer, the Examiner has misconstrued the Shapiro reference. The Examiner alleged that "an encoded data of 'HH1', for example, refers to payload having a texture unit consisting only AC coefficient[] from a single subband of a hierarchical subband decomposed image (see figure 3 and col. 4, lines 8-23)". The Examiner is simply incorrect.

First, the very paragraph cited by the Examiner has absolutely no disclosure or teaching as to the image processing step of "encoding". Instead, the paragraph cited by the Examiner discloses a wavelet decomposition or wavelet transformation. Specifically, Shapiro states that "for a wavelet hierarchical subband decomposition, the image is decomposed using times two subsampling into high horizontal-high vertical (HH), high horizontal-low vertical (HL), low horizontal-high vertical (LH), and low horizontal-low vertical (HH), frequency subbands". (See Shapiro, Column 4, lines 8-12). Image decomposition is not image encoding. Thus, the paragraph cited by the Examiner absolutely does not teach or suggest the encoding of data of HH1 to a payload having a texture unit consisting only AC coefficient. This conclusion is unfounded.

Second, assuming, *arguendo*, that Shapiro does teach the general concept of encoding, the Examiner is still incorrect. The concept of encoding an image is not equivalent to the concept of packetizing a bitstream into one or more packets. Packetization encapsulates encoded bitstreams into packets for transportation and have criticalities that completely different from the encoding process. Thus, the Shapiro reference will not anticipate the claimed feature.

(3) On page 6 of the Examiner's Answer, the Examiner has misconstrued Appellant's claims. The Examiner alleged that "it is noted that 'packetization structure' is not recited in the rejected claims". The Examiner is incorrect.

Appellant's independent claims 1-3 and 6 recite a **packet header** followed by a payload in the body of the claim. Thus, the term "data structure" in Appellant's preamble is a packetization structure with specific recitation in the body of the claim. Similarly, Appellant's independent method claims 7, 8, 9, 12 and 13 all recite "a method of packetizing" in the preamble with the step of "**generating a packet header**" as a step in the body of all the method claims. Thus, Appellant clearly and distinctly claimed a packetization structure and a packetization method.

(4) On page 8 of the Examiner's Answer, the Examiner alleged that "it is noted that the Examiner does not understand what Appellant are arguing about because the Examiner does not see any where in the current claims reciting such features". It should be noted that the features are realized when each packet is constructed in the manner as claimed by the Appellant. In other words, the error resilient features are inherent if the packets are constructed in a manner as claimed by the Appellant. Thus, Appellant is only required to claim the novel structures and/or the inventive steps without having to recite the inherent benefits of such novel structures into Appellant's claims.

CONCLUSION

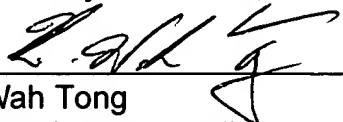
For the reasons advanced above and in Appellant's Appeal Brief, Appellant respectfully urges that the rejections of claims 1-13 as being unpatentable under 35 U.S.C. § 102 are improper. Reversal of the rejections in this appeal is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. If necessary, please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 20-0782 and please credit any excess fees to such deposit account.

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Respectfully submitted,

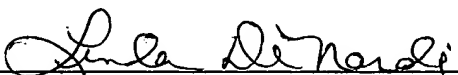


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